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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,887	02/11/2002	Alexander E. Malison	ASI-101	3540
28970. 7590 01/16/2007 PILLSBURY WINTHROP SHAW PITTMAN LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER SHERR, CRISTINA O	
			ART UNIT 3621	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/068,887

Applicant(s)

MALISON, ALEXANDER E.

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15,41-51 and 58-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15,41-51 and 58-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is in response to applicant's amendment filed October 18, 2006. Claims 1-15, 41-51, and 58-72 are currently pending in this claim.

Response to Arguments

2. Applicant's arguments with respect to claims 1-64 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15, 41-51, and 58-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with broad, indefinite language.

Regarding claims 1, 41, 58, and 61 –

“adapted to receive” rather than “receiving”

“adapted to display” rather than “displaying”

“input area” rather than “handwritten input area”.

“simultaneously” without explanation of whether the said windows are congruent, or outside each other, or of what is meant by simultaneous.

For the reasons cited above, independent claims 1, 41, 58 and 61 and their dependent claims are rejected under 35 U.S.C. 112.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-15, 41-51, and 58-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montague et al (US 5,504,589).

7. Regarding claim 1 –

Montague discloses a user interface for receiving an order (e.g. abs, col 1 ln 40-45) comprising: (a) an input area adapted to receive handwritten input indicating an item to add to the order (e.g. col 1 ln 65-67); (b) a selection window adapted to display items corresponding to the handwritten input (e.g. fig. 5, col 5 ln 1-10); and (c) an order window adapted to display selected items, as the order (e.g. col 5 ln 5-10, col 6 ln 20-25).

8. Montague does not use the same terminology as the instant application, referring to an “input screen” rather than a “user interface”. Such differences in terminology do not, however confer patentability, as it would be obvious to the practitioner of ordinary skill in the art to adapt Montague to the terminology in the instant application.

9. Regarding claim 11 –

Montague discloses a user interface of claim 1, wherein the input area is further adapted to receive a second handwritten input indicating a modifier associated with a selected item, wherein the selection window is further adapted to display modifiers

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corresponding to the second handwritten input, and wherein the order window is further adapted to display selected modifiers in the order (e.g. fig. 5 col 8 ln 32-39).

10. Regarding claim 12 –

Montague discloses a user interface of claim 11, wherein the selection window is further adapted to receive a selection of a modifier from the displayed modifiers, wherein the selection is a touch of the modifier listed in the displayed modifiers (e.g. col 4 ln 6-9, col 8 ln 32-39).

11. Regarding claim 13 –

Montague discloses a user interface of claim 11, wherein the input area is adapted to recognize an abbreviation of the modifier as the second handwritten input (e.g. col 5 ln 1-10).

12. Regarding claim 14 –

Montague discloses a user interface of claim 11, wherein the user interface further comprises a toggle button adapted to configure the input area to receive a handwritten input as one of an item and a modifier. (e.g. col 6 ln 3-10, where F2 is used as a toggle button).

13. Regarding claim 15 –

Montague does not specifically disclose a user interface of claim 11, wherein the user interface is adapted to require a user to choose a modifier after the user interface receives a selected item, however the various adaptations referenced in Montague make this a possible embodiment, see, e.g. col 4 ln 1-9, col 4 ln 49-61, col 5 ln 1-10, fig. 5, etc.).

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14. Claims 41-51, and 58-72 and 61 are rejected under the same criteria as above.

Allowable Subject Matter

15. Claims 1, 41, 58, and 61 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. If the said 112 rejections are overcome in both independent and dependent claims the 103 rejections will also likely be overcome.

16. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Olewicz et al (US 6,973,437) disclose a computer integrated communication system for restaurants.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-

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272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cristina Owen Sherr
Patent Examiner, Au 3621



PIERRE EDDY ELISCA
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600